

MWG:DJM  
F. #2024R00689

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA

- against -

TIMOTHY SOMMER,  
Defendant.

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
\* JANUARY 22, 2025 \*  
BROOKLYN OFFICE

I N D I C T M E N T

Cr. No. 25-CR-25

(T. 18, U.S.C., §§ 2252(a)(2),  
2252(a)(4)(B), 2252(b)(1), 2252(b)(2),  
2253(a), 2253(b) and 3551 et seq.;  
T. 21, U.S.C., § 853(p))

Judge Ramon E. Reyes, Jr.  
Magistrate Judge Marcia M. Henry

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THE GRAND JURY CHARGES:

COUNT ONE  
(Distribution of Child Pornography)

1. In or about and between June 2024 and July 2024, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant TIMOTHY SOMMER did knowingly and intentionally distribute one or more visual depictions using one or more means and facilities of interstate and foreign commerce, and which visual depictions had been mailed, and had been shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(2), 2252(b)(1) and 3551 et seq.)

COUNT TWO  
(Possession of Child Pornography)

2. On or about July 15, 2024, within the Eastern District of New York and elsewhere, the defendant TIMOTHY SOMMER did knowingly and intentionally possess matter which contained one or more visual depictions, to wit: digital videos and images in files contained on one Apple iPhone 13 Pro cellular telephone with serial number V73FHHGFQK and one Apple iPad with serial number GCGV84VRHLJK, that had been mailed, and had been shipped and transported using one or more means and facilities of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means, including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions having been of such conduct, one or more of which involved a prepubescent minor and a minor who had not attained 12 years of age.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

3. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged herein, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2253(a), which requires the forfeiture of: (a) any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of Title 18 of the United States Code, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such sections; (b) any property, real or personal, constituting, or

traceable to, gross profits or other proceeds obtained from such offenses; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses, or any property traceable to such property, including but not limited to the following property seized from the defendant by law enforcement agents on or about July 15, 2024, in Queens, New York: (i) one Apple iPhone 13 Pro cellular telephone with serial number V73FHHGFQK and (ii) one Apple iPad with serial number GCGV84VRHLJK.

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), to seek forfeiture of any other

property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 2253(a) and 2253(b); Title 21, United States Code, Section 853(p))

A TRUE BILL

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FOREPERSON

*By David Pitluck, Assistant U.S. Attorney*  
JOHN J. DURHAM  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK